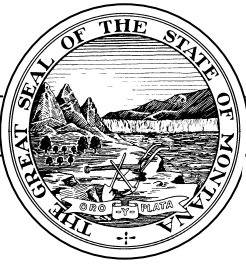


# OFFICE OF STATE PUBLIC DEFENDER



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## STATE OF MONTANA

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### MEMORANDUM

TO: Harry Freebourn

FROM: Sandra Law

DATE: December 14, 2009

RE: OPD % of representation-District Court Felonies

OPD has been asked to determine the percentage of cases we represent, overall, in our Montana District Courts. As you are aware, OPD has tracked our opened cases on a monthly basis, since inception of the agency. It was a simple step to pull that information per calendar year, to agree with the State of Montana Judicial Branch standard of reporting.

<http://courts.mt.gov/dcourt/stats/default.mcp>

State of Montana Judicial Branch District Court statistics can be found at the above internet site. Case Filings and Dispositions have been posted here through calendar year 2007. Comparing these reported District Court case filings alongside OPD new case counts, our representation appeared to be way too low. I called the Supreme Court Administrator's office trying to determine why the numbers did not seem reasonable. Two possibilities were identified as potential problems. First, the District Courts assumed their first year of uniform reporting in CY 2006. By 2007, it is assumed that their reporting was more consistently applied. Second, the District Court statistics report new cases, in addition to the reopening of cases from all other years. OPD does not report in this fashion. OPD does, however, similarly open new cases for revocations...and these are included in our case counts on a month to month basis. To resolve the 'apples' and 'oranges' nature of reporting between the two agencies, it was determined that by comparing only new cases, for each agency, per calendar year, we could provide some parity between the reporting.

The Supreme Court Administrator's office was able to provide OPD with just the new case openings for calendar years 2006, 2007 and 2008. These were compared to just the new cases opened in OPD (i.e., without revocations).

OPD was not engaged fully in 2006, but in 2007 we represented 4,678 of 5,739 new cases (81.5%) and in 2008 we represented 4,913 of 5,416 (90.70%).

**Office of the State Public Defender**  
**OPD % of Felonies Represented**

		TOTAL COUNTS CY 2007 JUSTWARE	TOTAL COUNTS CY 2008 JUSTWARE	TOTAL COUNTS CY 09 JUSTWARE		TOTAL FILINGS CY 2007 JUDICIAL BR	TOTAL FILINGS CY 2008 JUDICIAL BR
11th District Court – Flathead Co.	DC	730	697	677		1157	Not Available
20th District Court – Lake Co.	DC	254	210	210		396	Not Available
20th District Court – Sanders Co.	DC	55	40	47		85	Not Available
19th District Court – Lincoln Co.	DC	131	79	103		205	Not Available
TOTAL REGION 1		1,170	1,026	1,037		1,843	-
4th District Court – Missoula Co.	DC	641	632	717		1201	Not Available
21st District Court – Ravalli Co.	DC	227	215	229		378	Not Available
4th District Court – Mineral Co.	DC	31	22	16		184	Not Available
TOTAL REGION 2		899	869	962		1,763	-
8th District Court – Cascade Co.	DC	715	736	674		887	Not Available
9th District Court – Toole Co.	DC	53	32	30		77	Not Available
9th District Court – Pondera Co.	DC	29	24	19		53	Not Available
9th District Court – Teton	DC	37	31	31		55	Not Available
9th District Court – Glacier Co.	DC	77	60	61		124	Not Available
TOTAL REGION 3		911	883	815		1,196	-
1st District Court – Lewis & Clark	DC	343	530	560		811	Not Available
1st District Court – Broadwater Co.	DC	46	55	46		79	Not Available
5th District Court – Jefferson Co.	DC	64	34	39		70	Not Available
TOTAL REGION 4		453	619	645		960	-
2nd District Court – Silver Bow Co.	DC	189	194	194		328	Not Available
5th District Court – Beaverhead Co.	DC	48	41	39		97	Not Available
5th District Court – Madison Co.	DC	38	27	27		55	Not Available
3rd District Court – Powell Co.	DC	76	67	55		167	Not Available
3rd District Court – Deer Lodge Co.	DC	44	48	63		75	Not Available
3rd District Court – Granite Co.	DC	11	3	5		21	Not Available
TOTAL REGION 5		406	380	383		743	-
17th District Court – Phillips Co.	DC	12	20	16		26	Not Available
12th District Court – Hill Co.	DC	151	246	223		255	Not Available
12th District Court – Choteau Co.	DC	15	23	27		35	Not Available
17th District Court – Valley Co.	DC	9	20	28		43	Not Available
17th District Court – Blaine Co.	DC	15	33	32		18	Not Available
12th District Court – Liberty Co.	DC	-	1	2		5	Not Available
TOTAL REGION 6		202	343	328		382	-
10th District Court – Fergus Co.	DC	65	49	44		158	Not Available
14th District Court – Musselshell	DC	29	25	33		45	Not Available
10th District Court – Judith Basin Co.	DC	6	5	4		17	Not Available
14th District Court – Wheatland Co.	DC	4	10	4		19	Not Available
14th District Court – Meagher Co.	DC	6	5	5		15	Not Available
14th District Court – Golden Valley Co.	DC	1	6	7		1	Not Available
10th District Court – Petroleum Co.	DC	1	6	4		0	Not Available
TOTAL REGION 7		112	106	101		255	-
18th District Court – Gallatin Co.	DC	431	475	460		783	Not Available
6th District Court – Sweet Grass	DC	11	9	10		32	Not Available
6th District Court – Park Co.	DC	108	85	84		184	Not Available
TOTAL REGION 8		550	569	554		999	-
13th District Court – Yellowstone	DC	8	778	771		1682	Not Available
22nd District Court – Carbon Co.	DC	51	49	57		102	Not Available
22nd District Court – Big Horn Co.	DC	151	160	143		202	Not Available
22nd District Court – Stillwater Co.	DC	40	31	34		78	Not Available
TOTAL REGION 9		250	1,018	1,005		2,064	-
7th District Court – Dawson Co.	DC	42	51	48		96	Not Available
15th District Court – Roosevelt Co.	DC	18	12	20		40	Not Available
7th District Court – Richland Co.	DC	44	43	47		83	Not Available
15th District Court – Sheridan Co.	DC	5	10	13		11	Not Available
15th District Court – Daniels Co.	DC	-	1	2		6	Not Available
7th District Court – McCone Co.	DC	2	3	7		10	Not Available
7th District Court – Prairie Co.	DC	2	9	3		8	Not Available
7th District Court – Wibaux Co.	DC	1	2	2		4	Not Available
TOTAL REGION 10		114	131	142		258	-
16th District Court – Powder River Co.	DC	3	4	2		6	Not Available
16th District Court – Custer Co.	DC	71	86	86		105	Not Available
16th District Court – Rosebud Co.	DC	46	50	44		81	Not Available
16th District Court – Treasure Co.	DC	1	5	4		2	Not Available
16th District Court – Fallon Co.	DC	20	12	14		23	Not Available
16th District Court – Carter Co.	DC	1	1	-		4	Not Available
16th District Court – Garfield Co.	DC	1	2	2		4	Not Available
TOTAL REGION 11		143	160	152		381	-
TOTAL ALL REGIONS		5,210	6,104	6,124		10,844	Not Avail
Pleaenote these are calendar year case count totals, not fiscal year							
Adjustmnts for Revocations incl. in Counts		(532)	(1,191)	(1,427)			-
Adjustments for Revocations and Reopenings						(5,105)	Not Avail
TOTAL ALL REGIONS ADJUSTED		4,678	4,913	4,697		5,739	5,416
TOTAL % of CASES REPRESENTD BY OPD		81.5%	90.7%				
OPD has maintained information from it's inception, of all cases opened on a calendar basis. The State of Montana Judicial Branch has published through calendar year 2007 for cases opened on a calendar basis. The only year that we are both reporting (to date) is Calendar Year 2007. In speaking with the Supreme Court Administrator' office regarding their published statistics we were informed that their case statistics for each calendar year include both openings, and <b>reopenings</b> of cases. OPD counts new cases added, and revocations. However, the Administrator's office was able to provide us with just <b>new</b> cases for fiscal years 2006 and 2007. To create a parity between the two agencys we compared only the <b>new</b> cases opened for both OPD and the MT Supreme Court calendar years 2007 and 2008.							